



15 SEP 2003

Shelley P.M. Fussey
Williams, Morgan & Amerson PC
10333 Richmond, Suite 1100
Houston, TX 77042

In re Application of	:	
ROY, Arun K. et al.	:	
Application No.: 10/009,420	:	DECISION ON
PCT No.: PCT/US00/15243	:	
Int. Filing Date: 02 June 2000	:	PETITION
Priority Date: 04 June 1999	:	
Attorney Docket No.: 4003.002300	:	UNDER 37 CFR 1.181
For: ESTROGEN RECEPTOR SITE-SPECIFIC	:	
RIBOZYMES AND USES THEREOF FOR	:	
ESTROGEN DEPENDENT TUMORS	:	

This decision is in response to applicants' "Renewed Petition Under 37 C.F.R. §1.181," filed with the United States Patent and Trademark Office on 03 February 2003.

BACKGROUND

On 02 June 2000, applicants filed international application PCT/US00/15243. A demand for international preliminary examination was filed 04 January 2001, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, or 04 December 2001.

On 08 March 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), a sequence listing and a computer readable format were required.

On 06 May 2002, applicants submitted, "Response to Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US) Mailed March 08, 2002."

On 01 August 2002, applicants submitted a petition accompanied by a postcard receipt that lists a declaration and a disk.

On 08 November 2002, applicants submitted a replacement computer readable format.

On 15 January 2003, the Office mailed Decision On Petition Under 37 CFR 1.181, prior to 08 November 2002 submission being matched with the application.

On 03 February 2003, applicants submitted renewed petition and copies of four declarations.

On 10 February 2003, the Office mailed Decision On Petition Under 37 CFR 1.181 in response to the 08 November 2002 submission indicating that the petition was granted and that the declaration on file appeared to be a composite declaration.

On 20 February 2003, the Office mailed Decision On Petition Under 37 CFR 1.181 in response to applicants' Renewed Petition filed 03 February 2003, dismissing it as moot.

On 03 March, applicants submitted copies of earlier submissions by facsimile.

On 12 March 2003, applicants submitted an additional copy of the declarations by facsimile.

DISCUSSION

The four complete declarations filed on 03 February 2003 have been matched with the file. They satisfy the requirements of 37 CFR 1.497(a)-(b).

Applicants indicate in the petition that complete declarations were submitted on 06 May 2002. The Office has on file a composite declaration submitted on 06 May 2002, as discussed in the Decision On Petition mailed 15 January 2003. While a properly itemized postcard receipt is *prima facie* evidence of receipt of the item by the Office, this postcard listing "declarations" is not sufficiently itemized with the number of pages to indicate that the 12 pages of declaration were submitted rather than the 5 pages the Office has on file.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision. The application has a date of 03 February 2003 under 35 U.S.C. §371.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459